



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 8

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MAR 22 2002

In re Application of  
Robert Bruce Davies  
Application No.: 09/527,281  
Filing Date: March 17, 2000  
Attorney Docket No.: RBD-IC-2000

DECISION ON PETITION  
TO WITHDRAW THE  
HOLDING OF ABANDONMENT

This is a decision on the petition, filed August 31, 2001, to withdraw the holding of abandonment of the above-identified application. There is no fee for this petition.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a proper response to the Office action mailed on January 17, 2001. A Notice of Abandonment was mailed on August 13, 2001.

Petitioner states that a search of the file wrapper was made of the above-identified patent application. The petition includes copies of the file jacket and docketing sheets where the non-received Office action would have been entered had it been received and docketed. Petitioner asserts that these indicate that the Office action was not received. Furthermore, a declaration was provided from the inventor, Robert Bruce Davies, stating that he did not receive the Office action mailed on January 17, 2001 at his address (i.e., the correspondence address at that time) and had no knowledge of the Office action.

A review of the written record indicates that the Office action of January 17, 2001 was mailed to the correspondence address (i.e., the inventor's mailing address) provided in the Declaration deposited with the application papers filed on March 17, 2000, which address does not correspond to petitioner's current address. On January 22, 2001, a power of attorney was filed which changed the correspondence address to petitioner's current address.

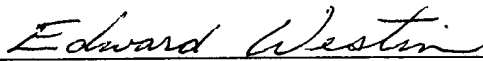
Absent any irregularity in the mailing of an Office action, there is a strong presumption that the Office action was properly mailed to the correspondence address of record. Since the

correspondence address on January 17, 2001 (i.e., the mail date of the Office action) was the mailing address of the inventor, it is not surprising that the Office action was not received at petitioner's current address.

In the given situation, the evidence is required to show that the Office action was not received at the correspondence address (i.e., the inventor's mailing address) to which it was presumably properly mailed. The evidence provided to show that the Office action was not received at petitioner's current address while important is not sufficient to show that the Office action was not received at the inventor's mailing address. Since an individual inventor is not expected to keep records similar to those kept by law firms, the declaration by the inventor stating that he did not receive the Office Action at his mailing address is accepted as the requisite showing.

For the above stated reason, the petition is granted. The Notice of Abandonment mailed August 13, 2001 is hereby VACATED and the holding of abandonment is withdrawn.

The application file is being forwarded to the Technology Center 2800 support staff for remailing of the Office action of January 17, 2001 to the present correspondence address as designated in the power of attorney filed on January 22, 2001. The remailing of the Office action will reset the time period for response.



Edward P. Westin, Special Programs Examiner  
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